

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

HOUSE CONCURRENT RESOLUTION 2014

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXVII, BY ADDING SECTION 2, CONSTITUTION OF ARIZONA; RELATING TO HEALTH CARE SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article XXVII, Constitution of Arizona, is proposed to be amended
4 by adding section 2 as follows if approved by the voters and on proclamation
5 of the Governor:

6 2. Health care; definitions

7 SECTION 2. A. TO PRESERVE THE FREEDOM OF ARIZONANS TO
8 PROVIDE FOR THEIR HEALTH CARE:

9 1. A LAW OR RULE SHALL NOT COMPEL, DIRECTLY OR
10 INDIRECTLY, ANY PERSON, EMPLOYER OR HEALTH CARE PROVIDER TO
11 PARTICIPATE IN ANY HEALTH CARE SYSTEM.

12 2. A PERSON OR EMPLOYER MAY PAY DIRECTLY FOR LAWFUL
13 HEALTH CARE SERVICES AND SHALL NOT BE REQUIRED TO PAY PENALTIES
14 OR FINES FOR PAYING DIRECTLY FOR LAWFUL HEALTH CARE SERVICES. A
15 HEALTH CARE PROVIDER MAY ACCEPT DIRECT PAYMENT FOR LAWFUL HEALTH
16 CARE SERVICES AND SHALL NOT BE REQUIRED TO PAY PENALTIES OR
17 FINES FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR EMPLOYER FOR
18 LAWFUL HEALTH CARE SERVICES.

19 B. SUBJECT TO REASONABLE AND NECESSARY RULES THAT DO NOT
20 SUBSTANTIALLY LIMIT A PERSON'S OPTIONS, THE PURCHASE OR SALE OF
21 HEALTH INSURANCE IN PRIVATE HEALTH CARE SYSTEMS SHALL NOT BE
22 PROHIBITED BY LAW OR RULE.

23 C. THIS SECTION DOES NOT:

24 1. AFFECT WHICH HEALTH CARE SERVICES A HEALTH CARE
25 PROVIDER OR HOSPITAL IS REQUIRED TO PERFORM OR PROVIDE.

26 2. AFFECT WHICH HEALTH CARE SERVICES ARE PERMITTED BY
27 LAW.

28 3. PROHIBIT CARE PROVIDED PURSUANT TO ARTICLE XVIII,
29 SECTION 8 OF THIS CONSTITUTION OR ANY STATUTES ENACTED BY THE
30 LEGISLATURE RELATING TO WORKER'S COMPENSATION.

31 4. AFFECT LAWS OR RULES IN EFFECT AS OF JANUARY 1, 2009.

32 5. AFFECT THE TERMS OR CONDITIONS OF ANY HEALTH CARE
33 SYSTEM TO THE EXTENT THAT THOSE TERMS AND CONDITIONS DO NOT HAVE
34 THE EFFECT OF PUNISHING A PERSON OR EMPLOYER FOR PAYING DIRECTLY
35 FOR LAWFUL HEALTH CARE SERVICES OR A HEALTH CARE PROVIDER OR
36 HOSPITAL FOR ACCEPTING DIRECT PAYMENT FROM A PERSON OR EMPLOYER
37 FOR LAWFUL HEALTH CARE SERVICES.

38 D. FOR THE PURPOSES OF THIS SECTION:

39 1. "COMPEL" INCLUDES PENALTIES OR FINES.

40 2. "DIRECT PAYMENT OR PAY DIRECTLY" MEANS PAYMENT FOR
41 LAWFUL HEALTH CARE SERVICES WITHOUT A PUBLIC OR PRIVATE THIRD
42 PARTY, NOT INCLUDING AN EMPLOYER, PAYING FOR ANY PORTION OF THE
43 SERVICE.

44 3. "HEALTH CARE SYSTEM" MEANS ANY PUBLIC OR PRIVATE
45 ENTITY WHOSE FUNCTION OR PURPOSE IS THE MANAGEMENT OF,

1 PROCESSING OF, ENROLLMENT OF INDIVIDUALS FOR OR PAYMENT FOR, IN
2 FULL OR IN PART, HEALTH CARE SERVICES OR HEALTH CARE DATA OR
3 HEALTH CARE INFORMATION FOR ITS PARTICIPANTS.

4 4. "LAWFUL HEALTH CARE SERVICES" MEANS ANY HEALTH-RELATED
5 SERVICE OR TREATMENT TO THE EXTENT THAT THE SERVICE OR TREATMENT
6 IS PERMITTED OR NOT PROHIBITED BY LAW OR REGULATION THAT MAY BE
7 PROVIDED BY PERSONS OR BUSINESSES OTHERWISE PERMITTED TO OFFER
8 SUCH SERVICES.

9 5. "PENALTIES OR FINES" MEANS ANY CIVIL OR CRIMINAL
10 PENALTY OR FINE, TAX, SALARY OR WAGE WITHHOLDING OR SURCHARGE OR
11 ANY NAMED FEE WITH A SIMILAR EFFECT ESTABLISHED BY LAW OR RULE
12 BY A GOVERNMENT ESTABLISHED, CREATED OR CONTROLLED AGENCY THAT
13 IS USED TO PUNISH OR DISCOURAGE THE EXERCISE OF RIGHTS PROTECTED
14 UNDER THIS SECTION.

15 2. The article heading of article XXVII, Constitution of Arizona, is
16 proposed to be changed as follows if approved by the voters and on
17 proclamation of the Governor:

18 The article heading of article XXVII, Constitution of
19 Arizona, is changed from "REGULATION OF PUBLIC HEALTH, SAFETY
20 AND WELFARE" to "REGULATION OF HEALTH, SAFETY AND WELFARE".

21 3. The Secretary of State shall submit this proposition to the voters
22 at the next general election as provided by article XXI, Constitution of
23 Arizona.

PASSED BY THE HOUSE JUNE 11, 2009.

PASSED BY THE SENATE JUNE 22, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 29, 2009.